

## **TOWN OF UNION SPECIAL BOARD MEETING**

### **Minutes for August 20, 2008**

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The Town of Union Special Board Meeting was called to order at 7:30 p.m. on Wednesday, August 20, 2008 at the home of George and Sharon Franklin, 13847 W. Hwy. 59, Evansville, WI by Chairman Kendall Schneider. Supervisors George Franklin and Don Krajeck, Treasurer Sharon Franklin, and Clerk Regina Ylvisaker were also present. Ron Combs, Bob Janes, Chuck Rohloff, Delores Rohloff, and Joe Rohloff were also in attendance.

#### **Escrow Accounts (Conifer Hills, Baker's Crossing Estates); status of funds.**

##### Conifer Hills escrow account

Ron Combs voiced his concerns about the total costs charged to the escrow account, specifically attorney fees. Some attorney fees seem to be more related to the attorney obtaining background, reference and educational information about the development than working on actual issues. Bills for stormwater management alone total approximately \$1,115.00. There is a \$735.00 charge related to discussions between the attorney and the engineer regarding stormwater management, letter of credit, and developer's agreement. There are also attorney fees related to preparation for Plan Commission and Town Board meetings. Schneider expressed concern specifically with meeting preparation costs. Total costs to date are \$8,724.30. According to Clerk Ylvisaker's records, the escrow account had a balance of \$4,000 on July 15, 2007. All bills being reviewed tonight are from 2007 & 2008. Combs reviewed attorney charges totaling about \$2,100.00 related to stormwater management or reviewing county ordinances, preparation, communications, etc. Engineer costs totaling \$2210.50 in are attributable to the existing portion of road. Krajeck's concern is that the Town will eventually assume responsibility for the road, and therefore would like to have assurance that it is constructed properly. Per Schneider, the process now is for the Town to accept the road, instead of the County, which was previously the case. Combs noted that the March 3, 2008 engineer invoice research on prior additions, as well as a trip to the Rock County Courthouse. Following review of all charges, Combs requested removing \$2,510.00 from the total attorney and engineer costs charged to the Conifer Hills development. Motion for the Town of Union to pay \$2,500.00 in chargeback costs billed to the Conifer Hills 3<sup>rd</sup> Addition for attorney and engineer services made by Don Krajeck. Second by Kendall Schneider. Franklin is concerned about how the Town will avoid this situation in the future; Schneider believes this was a unique situation, and many of the issues faced with this development should not occur in the future. Combs noted that Bakers Crossing Estates and Conifer Hills are the first two projects done since the new ordinances were enacted, and feels there are things in the ordinances that are more appropriate for cities or villages, not town level. These types of things should be removed from the ordinances, which may relieve some of the expenditures. Also, both the attorney and engineer are now more familiar with the Town's ordinances and County issues, and should not have to do so much research in the future. Motion carried by unanimous voice vote.

The total owed by the Rohloffs is now \$2,224.30; Clerk Ylvisaker will send a letter to the Rohloffs requesting this amount and instructions on how to remit payment.

##### Bakers Crossing Estates escrow account

Bob Janes reiterated the issues brought up in his previous emails to the Board. Following reviews of all the attorney invoices, he suggests that meeting attendance be billed out separately from preparation. It is not clear what "prepare for, travel to and attend meeting" entails, and it is not clear how much time was specifically billed for each item. Bakers Crossing was billed a total of 24 hours of attorney time, over the course of four months. 10.9 of those hours were for meetings. The engineer invoice from March billed 2 hours to both Janes and Phelps for the same meeting.

Schneider felt there was a need to review the process for using application fees for payment of attendance of the attorney at meetings; he believes it may have been the original intent of the application fees to cover these costs.

The invoices in question were reviewed item by item.

Following review it was decided that \$3,098.00 of the fees incurred for the Bakers Crossing Estates development should be covered by the Town.

Motion for the Town of Union to pay \$3,098.00 in chargeback costs billed to the Bakers Crossing Estates subdivision for attorney and engineer services made by Kendall Schneider. Second by Don Krajeck.

Schneider would like to have a small amount in the escrow account, in case of any further fees, as the development is not complete and road/drainage plans will need attorney review. Janes stated that he will need to request an extension of the 6 month timeline required in the ordinance changing the zoning classification of the land for the development; it will be added to a Board agenda.

Motion carried by unanimous voice vote.

The total owed by Janes is now \$186.23; Clerk Ylvisaker will send a letter to Janes requesting a total payment of \$1,000.00 and instructions on how to remit payment.

#### **Operator License Approvals –Mark Stueber, Brian Toay; Geneo's Red Barn**

Motion to approve operator's licenses for Mark Stueber and Brian Toay made by Kendall Schneider. Second by Don Krajeck. Motion carried by unanimous voice vote.

#### **Pay Bills**

There being no further business to come before the Board, a motion was made by Kendall Schneider, second by George Franklin, to adjourn the meeting. Bills were approved for payment and the meeting was adjourned at 9:15 p.m.

*Respectfully submitted by:  
Regina Ylvisaker, Clerk*

Note: minutes are considered draft until reviewed and approved by the Town Board at a properly noticed meeting.